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PATENT APPLICATION

ATTORNEY DOCKET NO. 10971523 -4

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s): Charles R. Weirauch et al

Confirmation No.: 8146

Application No.: 09/921024

Examiner: Dinh, Tan X.

Filing Date: Aug 02, 2001

Group Art Unit: 2663

DEC 07 2005

Title: Data Structure For Control Information On Rewritable Data Storage Media

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 10/26/2005.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,

Charles R. Weirauch et al

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Inventor(s): Charles R. Weirauch & Joel B. Lamer

Serial No.: 09/921,024

Examiner: Dinh, Tan X.

Filing Date: 08/02/2001

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Title: DATA STRUCTURE FOR CONTROL INFORMATION ON REWRITABLE DATA
STORAGE MEDIUM

COMMISSIONER FOR PATENTS
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REPLY BRIEFCLAIM 3

In the Examiner's Answer, pages 4 and 5, the examiner asserts that the phrase "control of reading" in the claim is not limited to prohibiting reading of data, does not mean whether or not data "can be read", and can simply mean going to read mode after reading the bit.

1. The examiner's argument is illogical. The examiner states that "control of reading" could mean going to read mode. Going to a read mode only controls whether or not a medium can be written, and does not change or control whether the medium can be read. When the medium is not in a read mode (that is, the medium can be written) the medium can be read, and in read mode, the medium can be read, so nothing about reading has been changed or controlled.

2. From MPEP 2111, during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. The examiner's

assertion is inconsistent with the specification, which at page 9, lines 5-7 specifies disabling reading.

3. From the Merriam-Webster online dictionary, "control" means:

2 a : to exercise restraining or directing influence over : REGULATE **b** : to have power over : RULE **c** : to reduce the incidence or severity of especially to innocuous levels <control an insect population> <control a disease>

From the above definition, a plain English interpretation of "control of reading" is that reading is restrained or that the bit has power over reading.

Respectfully submitted,



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